

**THE BOROUGH OF LUTON
(CONTROLLED PARKING AREAS)**

ORDER 2009

Made on 16th March, 2009

Operative 30th March, 2009

**R J Stevens
Solicitor to the Council
Town Hall
Luton LU1 2BQ**

**THE BOROUGH OF LUTON
(CONTROLLED PARKING AREAS)
ORDER 2009**

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**THE BOROUGH OF LUTON
(CONTROLLED PARKING AREAS)
ORDER 2009)**

The Council of the Borough of Luton ("the Council") in exercise of its powers under sections 45, 46, 49 and 53 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984 as amended ("the Act of 1984") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby make the following order:-

Commencement and Title

1. This Order shall come into operation on 30th March, 2009 and may be cited as the Borough of Luton (Controlled Parking Areas) Order 2009.

Interpretation

2. (1) "Civil Enforcement Officer" means a Civil Enforcement Officer appointed by the Council under section 76 of the Traffic Management Act 2004 (c.18)

"disabled person's badge" has the same meaning as in The Local Authorities Traffic Orders (Exemptions for Disabled Persons)(England)Regulations 2000;

"driver", in relation to a vehicle waiting in a parking place, means the person presumed driving the vehicle at the time it was left in the parking place;

"electronic communications network" has the same meaning as in the Communications Act 2003(c.21)

"enactment" means any enactment, whether public general or local, and includes any order, byelaws, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"goods" means goods of any kind whether animate or inanimate and includes postal packets of any description; and "delivering" and "collecting" in relation to any goods

"goods vehicle" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002;

"motor cycle" has the same meaning as in Section 136 of the Act of 1984;

"owner" in relation to a vehicle means the person by whom such vehicle is kept which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (c.22); is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered,

"parking charge" means an amount specified in schedule 1 to this Order which is payable, subject to the provisions of this Order, at a ticket parking meter in respect of a vehicle left in a parking place

"parking period" means a period of time for which the parking charge has been paid in respect of a vehicle, and during which, subject to the provisions of this Order, that vehicle may be left in a parking place.

"parking permit" means a permit issued by the council under the provisions of Article 21(3) (a), (3)(b) or (4) of the Borough of Luton (Street Parking Places) Order 2008

"parking place" means any area on a highway designated as a parking place by this Order and identified by the plans attached to this Order;

"passenger vehicle" means a motor vehicle (other than a motor cycle) constructed or adapted solely for the carriage of not more than eight passengers (exclusive of the driver) and their effects and not drawing a trailer;

"particulars" means

(a) in relation to a ticket displayed on a vehicle, those particulars which indicate that a parking charge has been paid and the date and time by which the parking period for which that charge has been paid will expire : or

(b) in relation to a parking permit displayed on a vehicle, those particulars specified in Article 20 of the Borough of Luton (Street Parking Places) Order 2008.

"permitted hours" in relation to a parking place means the days and times specified in respect of that parking place by the plans attached to this Order during which a parking place under this Order is in operation

"postal packet" shall have the same meaning as in Section 125(1) of the Postal Services Act 2000;

"ticket" means a ticket issued by the ticket parking meter relating

to a parking place;

"ticket parking meter" means an apparatus or device which for the purposes of this Order is designed to indicate the time and to issue tickets indicating payment of the parking charge and the parking period in respect of which such parking charge has been paid.

- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- (3) Any reference in this Order to a ticket parking meter relating to a parking place shall be construed as a reference to any ticket parking meter which is situated within the length of the highway in which that parking place is situated.
- (4) For the purposes of this Order, a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when it is so regarded for the purposes of Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

Designation of parking places

3. Each area on a highway identified by the plans attached to this Order as a parking place and comprising the length of carriageway of a street is designated as a parking place.

Vehicles for which parking places are designated

4. Each parking place identified by the plans attached to this Order and designated by this Order may be used, subject to the provisions of this Order, for the leaving during the permitted hours in accordance with the provisions of Article 5 of this Order, of such vehicles as are passenger vehicles, goods vehicles or motor cycles

Permits or tickets to be displayed in vehicles left in parking places

5. (1) At all times during which a vehicle is left in a parking place identified by the plans attached to this Order as being for the leaving, during the permitted hours, only of vehicles that display a valid ticket, that vehicle shall display on the inside of the vehicle a valid ticket so that all the particulars on that ticket are readily visible from outside the vehicle and from the front or near side of the vehicle

- (2) At all times during which a vehicle is left in a parking place

identified by the plans attached to this Order as being for the leaving, during the permitted hours, of vehicles that display either a valid ticket or a valid parking permit, as the case may be, are readily visible from outside the vehicle and from the front or nearside of the vehicle.

Amount of the parking charge for leaving vehicle in a parking place

6. The parking charge for a vehicle left in a parking place at any time during the permitted hours shall, subject to the provisions of this Order, be in accordance with the Tariff relating to the parking place as identified on the plans attached to this Order and specified in Schedule 1 to this Order.

Payment of the parking charge and display of ticket issued by ticket parking meter

7. Subject to the provisions of Articles 11 and 20:-
- (1) During the permitted hours, no person shall leave any vehicle in a parking place without having paid the parking charge or without having displayed a ticket issued by a ticket parking meter in accordance with the provisions of this Article.
 - (2) The parking charge shall be payable on the leaving of the vehicle in a parking place at any time during the permitted hours by the insertion in a ticket parking meter relating to that parking place of a coin or coins of appropriate denominations together making up the amount of the parking charge for the parking period for which payment is being made.
 - (3) Upon payment of the parking charge for a vehicle left in a parking place the driver thereof shall display or cause to be displayed on the inside of the vehicle the ticket issued by the ticket parking meter relating to that parking place at all times during which the vehicle is left during the permitted hours in the parking place:-
 - (a) in the case of a vehicle fitted with a front windscreen, so that the ticket is displayed thereon on the near side of that windscreen so that all the particulars on that ticket are readily visible from outside the vehicle and from the front or near side of the vehicle; or
 - (b) in the case of a vehicle not fitted with a front windscreen, so that the ticket is displayed in a conspicuous position on the vehicle so that all the particulars on that ticket are readily visible from outside the vehicle.
 - (4) Provided that for the purposes of this Article if a vehicle, when first left in a parking place, is exempt from payment of any charge by virtue of the provisions of Article 20 to this Order and continues to

wait in that parking place otherwise than in accordance with those provisions, the parking charge shall be treated as having been incurred and to be payable at the time when the vehicle ceases to wait by virtue of those provisions and all the provisions of this Order, including the requirement for the vehicle to display a valid ticket or a valid permit in accordance with Article 5 of this order, shall then apply accordingly.

Variation of charges by notice

- 8 The amount of any charge due under this Order may be varied by the Council giving Notice in accordance with Section 46A of the Act

Alteration of position of a vehicle in a parking place

- 9 Where any vehicle is standing in a parking place in contravention of the provisions of Articles 20 or Article 20(a), a civil enforcement officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Power to move a vehicle in a parking place in an emergency

- 10 A police constable in uniform or a civil enforcement officer may move or cause to be moved, in case of emergency, to any place he thinks fit any vehicle left in a parking place.

Exemptions from charges

- 11 (1) If on the leaving of a vehicle in a parking place during the permitted hours there is on every ticket parking meter relating to that place a notice placed by any person duly authorised by the Council indicating that the ticket parking meter is out of order, that vehicle shall be exempt from any parking charge provided that, if at least one of the said parking meters is rectified or replaced not later than two hours before the expiration of the permitted hours, the vehicle is removed within two hours of such rectification or replacement. If the vehicle is not so removed, the parking charge for any parking period of two hours shall be deemed to have been incurred and paid by the insertion of coins for the amount of that parking charge in a ticket parking meter at the time when the vehicle was left in the parking place and all the provisions of this Order shall apply accordingly.
- (2) (a) Notwithstanding the provisions of Articles 5, 7 and 14(1) and (2) of this Order, a vehicle displaying a valid disabled person's badge in the relevant position may be left in a parking place without payment of the parking charge, without time limit and without displaying a valid ticket or parking permit in accordance with Article 5 of this Order, provided

that the use of that parking place has not been suspended.

- (b) Notwithstanding the provisions of Articles 7 and 14(1) and (2), of this Order a vehicle displaying a valid parking permit issued in respect of that vehicle may be left in a parking place that is indicated by the plans attached to this order as being for the leaving of vehicles that display either a valid ticket or a valid parking permit, without payment of the parking charge, without time limit and without displaying a valid ticket or parking permit in accordance with Article 5 of this order, provided that the use of that parking place in which the vehicle has been left has not been suspended.
- (3) Without prejudice to the generality of this Article, any vehicle to which this Article applies shall stand in a parking bay in accordance with the provisions of Article 17.

Restriction on the removal of parking permits and tickets

- 12 (1) Where a parking permit or a ticket has been displayed on a vehicle in accordance with the provisions of Articles 5 or 7(3), no person not being the driver of the vehicle shall remove the ticket or parking permit as the case may be from the vehicle unless authorised to do so by the driver.

Provided that nothing herein shall apply to a civil enforcement office a police constable in uniform or a person removing the vehicle in pursuance of an arrangement made or a direction given by a police constable or civil enforcement officer under the Regulations in pursuance of powers contained in Sections 99 and 101, of the Act of 1984.

Indications by ticket parking meter and ticket

- 13 (1) payment of the parking charge for a vehicle left in a parking place shall be indicated by the issue by a ticket parking meter relating to that parking place of a ticket indicating
- (a) that an parking charge has been paid, and
 - (b) the date and time by which the parking period for which payment was made by the parking charge will expire, and
 - (c) by the display of that ticket in the manner specified in Article 7(3).
 - (d) the date and time of issue.
- (2) the expiry of the initial period in respect of a vehicle left in a

parking place shall be indicated when there is displayed on the vehicle a ticket issued by a ticket parking meter relating to that parking place showing the date and time of expiry of the parking period and either the date shown on the ticket is not the date on which the vehicle is left in the parking place or the time shown on the clock of the said ticket parking meter is later than the time of expiry shown on the ticket.

Indications by ticket parking meter, ticket or parking permit as evidence.

- 14 (1) Subject to Articles 11 and 23 if at any time while a vehicle is left in a parking place during the permitted hours no ticket issued by a ticket parking meter relating to that parking place is displayed on that vehicle in accordance with the provisions of Article 7(3), it shall be presumed that the initial charge has not been duly paid.
- (2) Subject to Articles 11 and 23 if at any time while a vehicle is left in a parking place during the permitted hours, the ticket issued by a ticket parking meter relating to that parking place and displayed on the vehicle in accordance with the provisions of Article 7(3) shows a date that is not the date on which the vehicle is left or the clock on the ticket parking meter by which such ticket was issued give the indication mentioned in Article 13(2), it shall be presumed that the initial charge has been duly paid in respect of that vehicle and that the parking period for which payment was made has already expired.
- (3) If at any time while a vehicle is left in a parking place during the permitted hours there is no valid parking permit displayed on that vehicle, it shall be presumed that the exemption from payment of the parking charge contained in Article ~~43~~ 11(2)(b) of this order does not apply.
- (4) If it is presumed, in accordance with the provisions of paragraph (1) of this Article that the parking charge has not been duly paid , or in accordance with paragraph (2) of this Article that the parking charge has been paid but the parking period has expired, or in accordance with paragraph (3) of this Article that the exemption from payment of the parking charge for a vehicle displaying a valid parking permit does not apply, these indications shall be evidence that a parking contravention, within the meaning of paragraph 4 of Schedule 7 to the Traffic Management Act 2004, has occurred.
- (5) Any ticket issued by a ticket parking meter relating to a parking place shall be presumed to have been issued on the date and the time shown thereon.

No additional coins to be inserted in a ticket parking meter and no further tickets to be displayed

- 15 (1) Where, on the leaving of a vehicle in a parking place, payment of the parking charge has been made at a ticket parking meter and a ticket has been displayed on that vehicle in accordance with Articles 5 and 7(3) of this Order, no additional coin or coins shall be inserted in that parking meter or in any other ticket parking meter by way of paying a further parking charge in respect of that vehicle, so as to extend the parking period beyond that initially purchased.
- (2) No additional ticket or tickets shall be displayed on a vehicle while it is in a parking place, other than the ticket originally displayed on that vehicle at the time the vehicle was left in that parking place.
- (3) Nothing in this Article shall apply in relation to a vehicle which is taken away from a parking place during the permitted hours and is returned to that same parking place after the expiration of one hour from the time the vehicle was taken away, during the permitted hours.

Interval before a vehicle may again be left in a parking place

- 16 Without prejudice to the provisions of Article 20, no vehicle which has been taken away from a parking place during the permitted hours, after the parking charge has been incurred, shall again be left in the parking place during the permitted hours until the expiration of one hour from the time it was taken away.

Manner of vehicle standing in a parking place

- 17 Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall stand:-
- (a) in the case of any parking place the longest side of which is parallel to the kerb so that the longest side of the vehicle is parallel to the kerb; or
- (b) in the case of any parking place marked at an angle of 90 degrees to the kerb or, where two or more bays are marked in echelon formation set at an angle to the roadside kerb, the vehicle is parked within the confines of the marked bay with its longest side parallel to the longest side of the marked bay (for the purposes of this paragraph "marked bay" means an area within a parking place that is indicated by road markings as being for the leaving of one vehicle only); and

- (c) so that every part of the vehicle is wholly within the limits of a parking place.

Power to suspend the use of a parking place

- 18 (1) Any person duly authorised by the Council or by the Chief Officer of Police may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary:-
 - (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, for street cleaning, for the laying, erection, alteration or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications network or the placing, maintenance or removal of any traffic sign;
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwellinghouse adjacent to the parking place from or to a depository, another office or dwellinghouse;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.
- (2) Any person or police constable suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) of this Article shall thereupon:-
 - (a) if the use of the parking place is suspended, place or cause to be placed over or on all the ticket parking meters which relate to that parking place a hood or other cover indicating that the use of the parking place is suspended and that waiting by vehicles is prohibited and place or caused to be placed in or adjacent to that parking place a traffic sign indicating that waiting by vehicles is prohibited; or

(b) if the use of any part of the parking place is suspended, place or cause to be placed in or adjacent to that part a traffic sign of the description referred to in the last preceding paragraph.

(3) No person shall cause or permit a vehicle to wait:-

(a) in a parking place during such period as there is over or on all the ticket parking meters relating to that parking place a hood, cover or notice indicating that the use of the parking place is suspended during such period as there is in or adjacent to that parking bay a traffic sign placed in pursuance of paragraph 3(a) of this Article;

(b) in any part of a parking place during such period as there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of paragraph (3)(b) of this Article:-

Provided that nothing in this paragraph shall apply:-

(i) in respect of any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 20 (1)(b), (d) or (e); or

(ii) to anything done with the permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article, a police constable in uniform or a civil enforcement officer.

Restriction on the use of a parking place

19 During the permitted hours, no person shall use any parking place or any vehicle while it is in a parking place in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with the selling or offering for sale of his skill in handicraft or his services in any other capacity:-

Provided that nothing in this Article shall prevent the sale of goods from a vehicle:-

(a) if the vehicle is a passenger vehicle, a goods vehicle, or a motor cycle and the goods are immediately delivered at or taken into the premises adjacent to the vehicle from which the sale is effected; or

(b) if the vehicle is one to which the provisions of Article 20(1)(h) or (i) of this Order apply.

Restriction on waiting by a vehicle in a parking place

20 (1) Notwithstanding the foregoing provisions of this Order, any vehicle may wait during the permitted hours anywhere in any part of a parking place without displaying a valid ticket or a valid parking permit in accordance with Article 5 of this Order if the use of that part has not been suspended and if:-

- (a) the vehicle is waiting for a period not exceeding two minutes, or such longer period as a police constable in uniform or a civil enforcement officer may approve, to enable a person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage:-

Provided that, if the said person is a person suffering from any disability or injury which seriously impairs his ability to walk or who is blind, the vehicle may wait for as long as may be necessary to enable that person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage;

- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
- (c) the vehicle is being used for fire brigade, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties, provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
- (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (e) the vehicle is waiting:-
- (i) while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle and delivered; or
- (ii) while postal packets are being collected and loaded on the vehicle from premises or posting boxes adjacent to the parking place in which the vehicle is waiting;
- (f) the vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be

used for any purposes specified in Article 18(1)(b)_of this Order;

- (g) the vehicle is in actual use for the removal of furniture to or from one office or dwellinghouse adjacent to the parking place from or to a depository, another office or dwellinghouse;
 - (h) in any other case, the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for a period exceeding twenty minutes or for such longer period as a police constable in uniform, or a civil enforcement officer may approve; or
 - (i) the vehicle is waiting if goods are being sold or offered or exposed for sale from the vehicle by a person who is licensed by the Council to sell goods from a stationary vehicle on a pitch situated in the parking space.
- (2) No parking charge specified in the foregoing provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions subject to Article 7 (4) of this Order.
 - (3) Except as provided by this Order, the driver or person in charge of a vehicle shall not cause or permit the vehicle to wait in a parking place during the permitted hours.
 - (4) Nothing in the foregoing provisions of this Order shall be taken as authorising anything which would be a contravention of any Regulations made or having effect as if made under Section 25 of the Road Traffic Regulation Act 1984.

Manner of waiting in a parking place

- 21 (a) No person shall cause or permit a vehicle to wait in a parking place by virtue of provisions of paragraph 1(e), (f), (g), (h) or (i) of Article 20 hereto otherwise than in accordance with paragraphs (a) and (b) of Article 20 hereto and so that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.
- (b) For the purposes of paragraph (a) of this Article, the expression "premises" shall not include any premises to or from which any furniture is being removed by virtue of the provisions of paragraph (1) (g) of Article 20 or to or from which goods are being delivered

or collected by virtue of the provisions of paragraph (1)(h) of Article 20.

Installation of ticket parking meters, placing of traffic signs etc

22 The Council shall:-

- (a) maintain in good working order the ticket parking meters it has installed;
- (b) cause the limits of each parking place to be indicated on the carriageway by placing and maintaining thereon traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Road Traffic Regulation Act 1984;
- (c) place and maintain in or in the vicinity of each parking place traffic signs of any size, colour and type prescribed or authorised under Section 64 of the Road Traffic Regulation Act 1984 indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 4:
- (d) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place designated by this Order.

Offences

23. A person who, whether being the driver of a vehicle or not, contravenes or fails to comply with any provision of this Order, shall by Section 47(1) of the Road Traffic Regulation Act 1984, be guilty of an offence.

Revocations

24. The Orders specified in Schedule 2 to this Order are hereby revoked

SCHEDULE 1

Tariff 1

Monday to Saturday – 8 am to 6 pm	£
Up to 15 minutes	0.40
Up to 30 minutes	0.80
Up to 1 hour	1.70
Up to 2 hours (maximum stay)	3.50

Tariff 2

Monday to Friday – 8 am to 6 pm	£
Up to 1 hour	0.50
Up to 2 hours	1.00
Up to three hours (maximum stay)	1.50

Tariff 3

Monday to Saturday – 8 am to 6 pm	£
Up to 30 minutes (maximum stay)	0.50

Tariff 4

Monday to Saturday – 8 am to 6 pm	£
Up to 30 minutes	0.20
Up to 1 hour (maximum stay)	0.50

Tariff 5

Monday to Saturday – 8 am to 6 pm	£
Up to 30 minutes	0.20
Up to 1 hour	0.50
Up to 2 hours	1.00
Up to 3 hours	1.50
Up to 4 hours (maximum stay)	2.00

Tariff 6

Monday to Saturday – 8 am to 6 pm	£
Not more than 30 minutes (maximum stay)	0.20

Tariff 7

Monday to Saturday – 8 am to 6 pm	£
Up to 15 minutes	0.20
Up to 30 minutes	0.60
Up to one hour (maximum stay)	1.30

Tariff 8

Monday to Sunday – 8 am to 6 pm	£
Any period between 8.00 am and 6.00 pm Mondays to Fridays	2.80
Any period between 10.00 am and 6.00 pm Mondays to Fridays	2.20
Any period between 8.00 am and 6.00 pm on Saturdays and Sundays	0.50

Tariff 9

Monday to Saturday – 8 am to 6 pm	£
Up to 30 minutes	0.20
Up to 1 hour	0.50
Up to 2 hours (maximum stay)	2.00

Tariff 10

Monday to Friday – 9 am to 5 pm	£
Up to 30 minutes	0.20
Up to 1 hour	0.50
Up to 2 hours	2.00

Tariff 11

Monday to Saturday – 9am to 5 pm	£
Up to 30 minutes	0.20
Up to 1 hour	0.50
Up to 2 hours	2.00

SCHEDULE 2

The Borough of Luton (Controlled Parking Area) Order 2008 as amended by:-

The Borough of Luton (Controlled Parking Areas) (Amendment No. 1) Order 2008
The Borough of Luton (Controlled Parking Areas) (Amendment No. 2) Order 2009,
and
The Borough of Luton (Controlled Parking Areas) (Amendment No. 3) Order 2009

THE COMMON SEAL of THE COUNCIL)
OF THE BOROUGH OF LUTON was)
hereunto affixed the 16th day of March, 2009)
in the presence of:-)


Authorised Signatory


Authorised Signatory



Delegated
Officers
51549
JMW